

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**\*E-FILED - 11/15/05\***

XIAONING ZHU, on behalf of himself and a  
class of persons similarly situated,

Plaintiff,

v.

THE FUJITSU GROUP 401(k) PLAN and  
FUJITSU AMERICA, INC.,

Defendants.

Civil Action No. C031148 RMW

**ORDER AMENDING NOVEMBER 8,  
2005 PRELIMINARY APPROVAL  
ORDER**

WHEREAS, the Court on November 8, 2005 filed its "Order regarding preliminary approval of proposed settlement, form and plan of notice of proposed settlement, and settlement hearing" (the "Order"); and

WHEREAS, the Order provides that the "Notice of pendency of class action, proposed settlement of class action, and settlement hearing" (the "Notice") is to be mailed to Class members no later than November 16, 2005 and is to include an attached "Settlement Benefits Notice" (the "SBN") for each Class member that shows the approximate amount of Settlement benefits to be received by each Class member, including investment gains and losses through the November 8, 2005 preliminary approval date; and

WHEREAS, the parties are advised that the Plan trustee is unable to calculate investment

1 gains and losses as of November 8, 2005 for members of Subclass A in time to include them in  
2 the SBNs to be mailed by November 16, 2005, and have requested that the Notice and SBN be  
3 modified to permit the use of existing calculations of gain and loss through March 22, 2005 for  
4 members of Subclass A; and

5 WHEREAS, the Court is satisfied that use of the March 22, 2005 calculations for  
6 members of Subclass A provides a sufficient estimate of Settlement benefits to comply with the  
7 requirements of due process; it is hereby ORDERED as follows:

8 1. The November 8, 2005 Order is modified to permit the following changes in the  
9 Notice and the SBNs:

10 (a) The sentence in the Notice that appears on page 4 line 28 and page 5 lines  
11 1-2 is modified to read "The amount you will receive under the Settlement, including estimated  
12 investment gains or losses, is shown on the attached Settlement Benefits Notice that applies to  
13 you."

14 (b) The SBN for Subclass A is modified to add, after "Approximate amount of  
15 benefits under the Settlement," the parenthetical clarification "(including investment gains or  
16 losses through March 22, 2005)."

17 (c) The SBN for Subclass B is modified to add, after "Approximate amount of  
18 benefits under the Settlement," the parenthetical clarification "(including investment gains or  
19 losses through November 8, 2005)."

20  
21 Dated: 11/15/05

22 /S/ RONALD M. WHYTE

23 Hon. Ronald M. Whyte  
24 United States District Judge